UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,475	06/20/2001	Jeffrey A. Bedell	53470.003013	9579

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EXAMINER
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ART UNIT	PAPER NUMBER
2137	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	**Applicant(s)**
Office Action Summary	09/884,475	BEDELL ET AL.
	Examiner	**Art Unit**	
	Matthew B. Smithers	2137	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 March 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,9,12-15 and 17-24* is/are rejected.

7)☒ Claim(s) *7,10,11 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8, 9, 12-15, and 17-24 are rejected under 35 U.S.C. 102(e) as being

anticipated by US 7,216,347 granted to Harrison et al.

Regarding claim 1, Harrison meets the claimed limitations as follows:

"A method of processing multiple incoming jobs in a reporting system, the method

comprising the steps of:

assigning each incoming job a respective priority;

and servicing each of the incoming jobs based on the priority assigned to each

job and on a non-random servicing scheme." see Abstract; column 5, line 39 to column

6, line 45; column 7, line 13 to column 8, line 40 and Figures 2, 4, 5 and 6.

Regarding claim 2, Harrison meets the claimed limitations as follows:

"The method of claim 1, wherein the step of assigning each incoming job a priority is

based on at least one attribute of the job." see Abstract; column 5, line 39 to column 6,

line 45; column 7, line 13 to column 8, line 40 and Figures 2, 4, 5 and 6.

Regarding claim 3, Harrison meets the claimed limitations as follows:

"The method of claim 2, wherein the attribute of the job is at least one of an assigned

value of the job, an estimated cost of the job, a project to which the job belongs, a

requestor of the job, and a group to which the requester of the job belongs." see

Abstract; column 5, line 39 to column 6, line 45; column 7, line 13 to column 8, line 40

and Figures 2, 4, 5 and 6.

Regarding claim 4, Harrison meets the claimed limitations as follows:

"The method of claim 1, wherein the job is one of a report or a request." see Abstract;

column 5, line 39 to column 6, line 45; column 7, line 13 to column 8, line 40 and

Figures 2, 4, 5 and 6.

Regarding claim 5, Harrison meets the claimed limitations as follows:

"The method of claim 1, wherein the non-random servicing scheme effects processing

of the jobs based solely on the priority of each respective job." see Abstract; column 5,

line 39 to column 6, line 45; column 7, line 13 to column 8, line 40 and Figures 2, 4, 5

and 6.

Regarding claim 6, Harrison meets the claimed limitations as follows:

"The method of claim 1, wherein the non-random servicing scheme effects processing

of the jobs based the priority of each respective job and on a servicing formula." see

Abstract; column 5, line 39 to column 6, line 45; column 7, line 13 to column 8, line 40

and Figures 2, 4, 5 and 6.

Regarding claim 8, Harrison meets the claimed limitations as follows:

"The method of claim 6, wherein the servicing formula is a first in - first out formula." see

Abstract; column 5, line 39 to column 6, line 45; column 7, line 13 to column 8, line 40

and Figures 2, 4 (element 422), 5 and 6.

Regarding claim 9, Harrison meets the claimed limitations as follows:

"The method of claim 6, wherein the servicing formula is overridden by an

administrator." see Abstract; column 5, line 39 to column 6, line 45; column 7, line 13 to

column 9, line 4 and Figures 2, 4, 5 and 6.

Regarding claim 12, Harrison meets the claimed limitations as follows:

"The method of claim 1, further including the step of:

placing each incoming job into a selected queue, selected from a plurality of possible

queues, based on the priority assigned to each incoming job; and

the step of servicing each of the incoming jobs is performed based on the selected

queue into which the job is placed." see Abstract; column 5, line 39 to column 6, line 45;

column 7, line 13 to column 8, line 40 and Figures 2, 4, 5 and 6.

Regarding claim 13, Harrison meets the claimed limitations as follows:

"The method of claim 12, wherein assigning the priority to the job is based on a priority

function, the priority function determining a priority value based on a set of priority

variables, the priority variables associated with the job." see Abstract; column 5, line 39

to column 6, line 45; column 7, line 13 to column 8, line 40 and Figures 2, 4, 5 and 6.

Regarding claim 14, Harrison meets the claimed limitations as follows:

"The method of claim 12, wherein the selected queue includes a plurality of sub-queues,

and assigning a priority includes assigning a queue priority and a sub-queue priority;

and the step of placing each incoming job into a selected queue includes placing each

incoming job into a selected queue based on the queue priority and into a selected sub-

queue, within such queue, based on the sub-queue priority." see Abstract; column 5,

line 39 to column 6, line 45; column 7, line 13 to column 8, line 40 and Figures 2, 4, 5

and 6.

Regarding claim 15, Harrison meets the claimed limitations as follows:

"The method of claim 12, wherein the non-random servicing scheme assigns threads to

queues." see Abstract; column 5, line 39 to column 6, line 45; column 7, line 13 to

column 8, line 40 and Figures 2, 4, 5 and 6.

Regarding claim 17, Harrison meets the claimed limitations as follows:

"The method of claim 12, wherein the priority scheme is overridden by an administrator."

see Abstract; column 5, line 39 to column 6, line 45; column 7, line 13 to column 9, line

4 and Figures 2, 4, 5 and 6.

Regarding claim 18, Harrison meets the claimed limitations as follows:

"The method of claim 15, further including the step of moving the threads from one

queue to a second queue based on the non-random servicing scheme." see Abstract;

column 5, line 39 to column 6, line 45; column 7, line 13 to column 8, line 40 and

Figures 2, 4, 5 and 6.

Regarding claim 19, Harrison meets the claimed limitations as follows:

"A system for processing multiple incoming jobs in a reporting system, the system

comprising:

a priority setting portion that assigns a priority to each incoming job;

a service portion that processes each incoming job based on the priority assigned to

each job and on a non-random servicing scheme." see Abstract; column 5, line 39 to

column 6, line 45; column 7, line 13 to column 8, line 40 and Figures 2, 4, 5 and 6.

Regarding claim 20, Harrison meets the claimed limitations as follows:

"The system of claim 19, wherein the priority setting portion assigns a priority to each

incoming job based on at least one attribute of the job." see Abstract; column 5, line 39

to column 6, line 45; column 7, line 13 to column 8, line 40 and Figures 2, 4, 5 and 6.

Regarding claim 21, Harrison meets the claimed limitations as follows:

"The system of claim 19, further including a queue placement portion that places each

incoming job into a selected queue, selected from a plurality of possible queues, based

on the priority assigned to each incoming job; and the service portion processes each

incoming job based on the queue into which the job is placed." see Abstract; column 5,

line 39 to column 6, line 45; column 7, line 13 to column 8, line 40 and Figures 2, 4, 5

and 6.

Regarding claim 22, Harrison meets the claimed limitations as follows:

"A processor-readable medium comprising code for execution by a processor to

prioritize and service jobs, that comprise one or more reports to be processed in a

reporting system, the medium comprising:

code for assigning a priority to each incoming job; and

code for processing each incoming job based on the priority assigned to each job and a

non-random servicing scheme." see Abstract; column 5, line 39 to column 6, line 45;

column 7, line 13 to column 8, line 40 and Figures 2, 4, 5 and 6.

Regarding claim 23, Harrison meets the claimed limitations as follows:

"The medium of claim 22, wherein the code for assigning a priority to each incoming job uses at least one attribute of each incoming job." see Abstract; column 5, line 39 to column 6, line 45; column 7, line 13 to column 8, line 40 and Figures 2, 4, 5 and 6.

Regarding claim 24, Harrison meets the claimed limitations as follows:

"The medium of claim 22, wherein the code for assigning a priority to each incoming job effects placement of each incoming job into a selected queue, which is selected from a plurality of queues, and the code for processing each incoming job processes each incoming job based on the selected queue into which the job is placed." see Abstract; column 5, line 39 to column 6, line 45; column 7, line 13 to column 8, line 40 and Figures 2, 4, 5 and 6.

Allowable Subject Matter

Claims 7, 10, 11 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 7, the cited prior art fails to specifically teach wherein the servicing formula is a fair share formula, the fair share formula effecting servicing of a job, which has been submitted by a requestor, based on the number of jobs the requester has submitted.

With respect to claims 10 and 16, the cited prior art fails to specifically teach wherein the servicing formula is altered on a scheduled basis.

With respect to claims 11, the cited prior art fails to specifically teach wherein servicing each of the incoming jobs based on the priority assigned to the job and on a non-random servicing scheme includes scheduling the job for servicing at a later time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Rhee et al (US 6,341,303) disclose a system for scheduling a resource according to a specific plan.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew B Smithers
Primary Examiner
Art Unit 2137